

EXHIBIT C

David Mills

Partner



Washington, DC Office
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004

t: +1 202 776 2865
f: +1 202 842 7899

dmills@cooley.com

Commercial Litigation
Higher Education
White Collar & Regulatory Defense
False Claims Act/Qui Tam
Communications
Commercial Class Action Litigation

David Mills focuses on trial and appellate work and government investigations. For nearly 30 years, he has represented higher education institutions, communications and media companies, airlines and other businesses in complex commercial disputes, litigation involving federal agencies, fiduciary duty and fraud cases, whistleblower actions, privacy and class-action litigation, copyright and trademark disputes, First Amendment cases and agency adjudications.

As a former Assistant US Attorney, David also represents companies and individuals in civil and criminal investigations, congressional investigations and grand jury proceedings.

David has represented clients in investigations conducted by the Department of Justice, the Department of Education, the Federal Communications Commission, various Offices of Inspector General, Department of Defense, the Federal Trade Commission, the Treasury Department, the Securities and Exchange Commission, the National Association of Securities Dealers and the FBI. He has also represented many individuals and businesses before Congress, including an investigation by the Senate Whitewater Subcommittee, among others.

David practices primarily in federal district and appellate courts across the country and also handles federal agency adjudications and enforcement actions, as well as state court litigation. In addition to taking more than 50 cases to trial, he has argued numerous cases in federal circuit courts and state supreme courts. David specializes in alternative dispute resolution and has represented clients in several dozen mediations and arbitrations across the country. He is a recipient of the US Department of Justice Special Achievement Award.

Representative Matters

Higher Education

- Representing proprietary graduate schools in civil and criminal DOJ and Department of Education investigations concerning alleged improper conduct under higher education regulations and under federal statutes.
- Representing trade organization challenging regulations promulgated by the Department of Education.
- Representing large university in qui tam suit alleging violations of Department of Education regulations.

- Representing estate of bankrupt proprietary higher education institution in federal court litigation and agency adjudications, including suit against accreditor for its false statements in connection with accreditation determination, and successful challenge to government claim for reimbursement of more than \$30 million in Title IV funds.
- Represented large non-profit corporation in investigation of alleged misconduct regarding administration of millions of dollars in federal grants from Department of Education.
- Represented community college in challenge to final program review finding alleged violations of statutes and Department of Education regulations.
- Represented university in dispute concerning scope of statutory penalties imposed by Department of Education under Title IV of the Higher Education Act for alleged failure to make certain disclosures.
- Represented higher education institution in First Amendment dispute regarding denial of access to potential students.
- Represented college in dispute with former employee alleging improper termination and violations of Department of Education regulations.
- Represented community college organization in potential dispute with contractor for Department of Education concerning scope of work, modification of contract and termination issues.

Media and Communications

- Defended large media company in contract dispute concerning technology and equipment. AccuWeather v. Gray (S.D.N.Y. 2016).
- Represented large broadcasting company in contract dispute with former national sales representative. Gray v. Petry (Ga. Sup. Ct. 2016).
- Defended broadcaster in First Amendment case alleging defamation concerning report on exploding rifle targets. Tannerite Sports LLC v. NBCUniversal (S.D.N.Y. 2016) (dismissed).
- Defended investigative reporting media company in First Amendment case based on investigative series regarding off-shore tax havens. Brennerman v. Center for Public Integrity (D. Del. 2015) (granting summary judgment); appeal dism'd, (3d Cir. 2016).
- Representing intervenor supporting FCC in petition for review of Universal Service Fund and Intercarrier Compensation rules. In re: FCC 11-161 (10th Cir.).
- Defended cable operator against claims by cable network of unlawful discrimination under statute; judge ruled for cable operator defendants after trial, and affirmed on appeal. Herring Broadcasting, Inc. v. FCC, No. 11-73134 (9th Cir. 2013).
- Defended internet service provider in suit alleging false advertising of internet speeds and related claims. Wade v. Cox Communications, Inc., Civ. Action No. 11-00045-BAJ-DLD (M.D. La., Nov. 19, 2012) (dismissed).
- Defended telecommunications service provider in purported class action challenging roaming fees; class action dismissed after certifying questions of law to (and holding oral argument in) Florida Supreme Court. Pendergast v. Sprint Solutions, Inc., 691 F.3d 1224 (11th Cir. 2012).
- Defended telecommunications service provider in purported class action challenging roaming fees; class action dismissed, and affirmed on appeal. Johnson v. Sprint Solutions, Inc., 08-CV-00054 (W.D. N.C.), aff'd, No. 08-1948 (4th Cir. 2009).
- Defended telecommunications services provider in purported class action challenging

international roaming fees; class action dismissed, and no appeal taken. *Torkiver v. Sprint Solutions, Inc.*, 08-CV-00852 (E.D. N.Y. 2009).

- Representing cable network intervenors re FCC rulemaking regarding leased access obligations. *National Cable & Telecommunications Ass'n v. FCC*, No. 08-3369 (and consolidated cases) (6th Cir.).
- Represented cable operator in Ninth Circuit and as a petitioner in U.S. Supreme Court successfully seeking to uphold FCC decision that cable modem service is an unregulated information service, rather than a regulated telecommunications service. *National Cable & Telecommunications Ass'n v. Brand X Internet Services*. 545 U.S. 967 (2005) (rev'd 9th Cir. at 345 F.3d 1120).

Privacy and Data Protection

- Defended mobile cloud messaging services company in purported class action on privacy claims under TCPA concerning the alleged use of customer information.
- Represented technology companies in motions to quash civil and criminal subpoenas seeking personally identifiable customer information.
- Represented numerous media companies seeking to protect customer data and account information from disclosure in litigation.
- Represented common carrier in purported class actions brought under telecommunications statute (TCPA) prohibiting unsolicited advertisements to personal fax numbers and seeking more than \$2 trillion in damages. Secured trial court dismissals in both cases. *Redefining Progress v. Fax.com, Inc., et al.*, Case No. C 02-4057 (N.D. Cal. 2003). *David v. Fax.com, Inc., et al.*, Case No. 2002063723 (Cal. Super. 2003).

Government and Internal Investigations, Criminal and Related Matters

- Represented Fortune 500 company in connection with grand jury investigation of money laundering and illegal online gambling.
- Represented large non-profit advocacy center in investigation of alleged misconduct and dispute with former employee.
- Represented title boxer in connection with investigation of alleged anti-doping violations.
- Represented independent committee of Board of Directors of Fortune 500 company in dispute with controlling shareholder concerning ownership of assets totaling approximately \$700 million.
- Represented foreign international air carrier in Department of Justice investigation of allegations of criminal antitrust activities and price fixing.
- Represented individual in Department of Defense OIG investigation regarding media communications.
- Represented large non-profit educational institution in Florida Attorney General's investigation concerning sale of television station.
- Represented Waco newspaper and reporters in grand jury investigation, civil suit and subsequent congressional investigations alleging improper newsgathering activities in connection with reporting on ATF raid on Branch Davidian compound in Waco, Texas.
- Represented several individuals in connection with Independent Counsel Whitewater Investigation.

Fraud and Other Complex Litigation

- Represented government contractor in federal court litigation concerning alleged breach of contract and fraud.
- Represented elderly widow in suit for fraud, breach of fiduciary duty and malpractice against long time investment advisor and financial planner, as well as against investment firms. Estate of Joan A. Stanton v. Starr et al., No. 601122/08 (N.Y. Sup. Ct. 2008):
- Represented large regional airline in complex contract dispute and mediation with supplier concerning multimillion dollar obligation to provide service and spare equipment.
- Represented defense contractor in state court litigation and arbitration concerning ownership of company and alleged misappropriation of funds.
- Represented family members in dispute concerning terms of trust documents, ownership of properties and alleged waste of assets.
- Represented Chinese medical device company and surgeon in breach of contract suit in federal district court in Minneapolis.

Intellectual Property and Trade Secrets

- Defended large auto auction company in suit alleging trademark infringement under Lanham Act. Off Lease Only, Inc. v. AutoTrader.com, Inc., Case. No. 12-80004-CIV (S.D. Fla. 2012):
- Represented broadcaster in dispute concerning right of access to trade secrets contained in retransmission consent agreements with municipally-owned network.
- Represented individual alleging copyright infringement of manuscript.
- Defended large media company and obtained summary judgment for publisher and owner of copyrights in old radio series "The Shadow" in case against unauthorized and persistent internet publisher claiming ownership of copyrights by adverse possession. Advance Magazine Pub. Inc v. Leach, 466 F. Supp. 2d 628 (D. Md. 2006).
- Represented plaintiff publisher in copyright infringement suit successfully obtaining immediate seizure of computers and related equipment, and seeking permanent injunctive relief and damages. Bureau of Nat'l Affairs v. Citation Publishing, et al., Case No. CV 04-2396-PHX-DGC (D. Ariz. 2006).
- Represented successful appellant in case of first impression regarding statute of limitations for co-ownership claims under copyright law. Davis v. Meridian Films, Inc., 2001 WL 758765, 14 Fed. Appx. 178 (4th Cir. 2001).

Education

Duke University School of Law
JD, 1985, with honors

Brandeis University
BA, 1982, with honors

Bar Admissions

District of Columbia

Maryland

Court Admissions

U.S. District Court, District of Columbia

U.S. Court of Federal Claims

U.S. Tax Court

Supreme Court of the United States

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. Court of Appeals, District of Columbia Circuit

U.S. District Court, District of Maryland

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Sixth Circuit